IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 14213 of 1995

Between:

1.T.Narsinga Rao,S/o. T.Muttaiah, aged 52 years,

H.NO.12-1-614/59/A9, Asifnagar, Hyderabad.

2.A.Mallesh, S/o.A.Bagaiah, aged 32 years,

H.No.12-1-614/A/6/4, Asifnagar, Hyderabad.

3.Prakash, S/o. Ramayya, aged 52 years,

H.NO.12-1-614/59/A7, Asifnagar, Hyderabad.

4.Srisailam, S/o. Bagaiah, aged 34 years,

H.NO.12-1-614/59/A7, Asifnagar, Hyderabad.

5.K.Yadaiah, S/o. Narayana, aged 35 years,

H.NO.12-1-614/59/B9, Asifnagar, Hyderabad.

6.N.Balaiah, S/o.Rajaiah, aged 48 years,

H.NO.12-1-614/59/A8, Asifnagar, Hyderabad.

7.Vijayalakshmi, W/o.Anjaiah, aged 40 years,

H.NO.12-1-614/59/A7, Asifnagar, Hyderabad.

8.P.Shankaraiah, S/o.Vittala Chary, aged 33 years,

H.NO.12-1-614/59/A/5, Asifnagar, Hyderabad.

9.Damodhar, S/o.Kondanarayana, aged 50 years,

H.NO.12-1-614/59/B12, Asifnagar, Hyderabad.

10.Babulal,. S/o. Chunni Singh, aged 60 years,

H.NO.12-1-614/59/A5, Asifnagar, Hyderabad.

11.Narsimha, S/o.Bikshamaiah, aged 31 years,

H.NO.12-1-614/59/B13, Asifnagar, Hyderabad.

12.Jagan Mohan (Sree Ramulu) S/o.Vichaiah, aged 35 years,

H.NO.12-1-614/59/A4, Asifnagar, Hyderabad.

13.Durgaiah, S/o. Narsimha, aged 58 years,

H.NO.12-1-614/59/B10, Asifnagar, Hyderabad.

14.Laxmamma, W/o.P.Laxman, aged 43 years,

H.NO.12-1-615/1, Asifnagar, Hyderabad.

15.Sulochana, S/o. S.Ashok, aged 25 years,

H.NO.12-1-614/59/A4, Asifnagar, Hyderabad.

16.Gopal, S/o.Mallesham, aged 27 years,

H.NO.12-1-614/59/A6, Asifnagar, Hyderabad.

17.Srinivas, S/o.P.Swamy, aged 30 years,

H.NO.12-1-614/59/B15, Asifnagar, Hyderabad.

18.N.Dayanand, S/o. Mallesham, aged 28 years,

H.NO.12-1-614/59/A14, Asifnagar, Hyderabad.

19.Parasu Ram, S/o. Nagaiah, aged 39 years,

H.NO.12-1-614/59/A10, Asifnagar, Hyderabad.

20.Durgaiah(N.Sreeramulu) S/o.Pullaiah, aged 45 years,

H.NO.12-1-614/59/B15, Asifnagar, Hyderabad.

21.Ashok(Krishna) S/o. Mallaiah, aged 38 years,

H.NO.12-1-614/59/A/14, Asifnagar, Hyderabad. **..... PETITIONERS**

AND

1.The State of A.P. rep. by its Secretary to

Government, Revenue (ULC) Department,

Secretariat Buildings, Saifabad, Hyderabad.

2.The Commissioner of Land Reforms and Urban

Land Ceiling, Hyderabad.

3.The Special Officer and Competent Authority,

Urban Land Ceiling, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Certiorari to call for the records relating to and connected with C.No.Hyd/216/94 229 to 252/94 dt.2-2-95 of the 2nd respondent and quash or set aside the same and pass such other or further order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.D.V.SITARAMAMURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

Heard learned Counsel for the parties.

The only grievance of the petitioners is that the appeal was heard by the appellate authority in *ex-parte*. The case of the petitioners is that their Counsel was ill on the date fixed by the appellate authority and the appellate authority decided the appeal in their absence, which has caused serious injustice to the petitioners. The impugned order itself discloses that the counsel for the appellants was not present on the date. The appeal was disposed of on merits.

In these circumstances without going into the merits of the judgment, I set aside the order of the appellate authority, remand the case back to the appellate authority for disposing of the matter afresh after hearing both sides. Allowing of this writ petition should not be taken as an expression of opinion over the controversy between the parties. The petitioners shall approach the appellate authority with a copy of the order within a period of six weeks from today. For a period of six weeks, status quo shall be maintained. Copy shall be furnished to the petitioners within two weeks.

Accordingly, the Writ Petition is allowed. No costs.

9th September, 2004

Note:

Issue CC in two weeks.

B/o

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Copy to:

1.The Secretary to Government,

Revenue (ULC) Department,

Secretariat Buildings, Saifabad, Hyderabad.

2.The Commissioner of Land Reforms and Urban

Land Ceiling, Hyderabad.

3.The Special Officer and Competent Authority,

Urban Land Ceiling, Hyderabad.

4.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5. Two CD copies.